

63B-17-101. Capital facilities bonds -- Maximum amount -- Projects authorized.

(1) The total amount of bonds issued under this section may not exceed \$43,111,000 for acquisition and construction proceeds, plus additional amounts necessary to pay costs of issuance, to pay capitalized interest, and to fund any debt service reserve requirements, with the total amount of the bonds not to exceed \$43,542,100.

(2) (a) Proceeds from the issuance of bonds shall be provided to the division to provide funds to pay all or part of the cost of acquiring and constructing the projects listed in this Subsection (2).

(b) These costs may include the cost of acquiring land, interests in land, easements and rights-of-way, improving sites, and acquiring, constructing, equipping, and furnishing facilities and all structures, roads, parking facilities, utilities, and improvements necessary, incidental, or convenient to the facilities, interest estimated to accrue on these bonds during the period to be covered by construction of the projects plus a period of six months after the end of the construction period, and all related engineering, architectural, and legal fees.

(c) For the division, proceeds shall be provided for the following:

CAPITAL DEVELOPMENT PROJECTS		
Project Description	Estimated Operations and Maintenance	Project Amount Funded
USU Agricultural Science Classroom Building	\$493,400	\$43,111,000
TOTAL CAPITAL DEVELOPMENT PROJECTS		\$43,111,000
ADDITIONAL AUTHORIZED AMOUNTS	\$431,100	
TOTAL GENERAL OBLIGATION BOND AUTHORIZATION FOR CAPITAL DEVELOPMENT PROJECTS		\$43,542,100

(d) For purposes of this section, operations and maintenance costs:

- (i) are estimates only;
- (ii) may include any operations and maintenance costs already funded in existing agency budgets; and
- (iii) are not commitments by this Legislature or future Legislatures to fund those operations and maintenance costs.

(3) (a) The amounts funded as listed in Subsection (2) are estimates only and do not constitute a limitation on the amount that may be expended for any project.

(b) The board may revise these estimates and redistribute the amount estimated for a project among the projects authorized.

(c) The commission, by resolution and in consultation with the board, may delete one or more projects from this list if the inclusion of that project or those projects in the list could be construed to violate state law or federal law or regulation.

(4) (a) The division may enter into agreements related to these projects before

the receipt of proceeds of bonds issued under this chapter.

(b) The division shall make those expenditures from unexpended and unencumbered building funds already appropriated to the Capital Projects Fund.

(c) The division shall reimburse the Capital Projects Fund upon receipt of the proceeds of bonds issued under this chapter.

(d) The state intends to use proceeds of tax-exempt bonds to reimburse itself for expenditures for costs of the projects listed in Subsection (2)(c).

(5) It is the intent of the Legislature that the funding authorized for projects in Subsection (2) does not include funds for public art.

Amended by Chapter 181, 2010 General Session

63B-17-201. Revenue bond authorizations -- State Building Ownership Authority.

(1) The Legislature intends that:

(a) the State Building Ownership Authority, under the authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to \$90,000,000 for the acquisition and construction of phase II-B of a cancer clinical research hospital facility adjacent to the University of Utah Medical Center, together with additional amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements;

(b) the University of Utah use institutional funds as the primary revenue source for repayment of any obligation created under authority of this section;

(c) the university may plan, design, and construct phase II-B of a cancer clinical research hospital facility subject to the requirements of Section 63A-5-206; and

(d) the university may not request state funds for operation and maintenance costs or capital improvements.

(2) The Legislature intends that:

(a) the State Building Ownership Authority, under the authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into or arrange for a lease-purchase agreement in which participation interests may be created, to provide up to \$23,700,000 for the acquisition and construction of five stores for the Department of Alcoholic Beverage Control, together with additional amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements;

(b) the stores to be addressed through this authorization are:

(i) the replacement of a liquor store in Cedar City;

(ii) a new Utah County North liquor store;

(iii) a new Utah County South liquor store;

(iv) a new Washington County South liquor store; and

(v) a new Wasatch County Heber/Midway liquor store;

(c) the Department of Alcoholic Beverage Control use increased sales revenues as the primary revenue source for repayment of any obligation created under authority of this section; and

(d) the Department of Alcoholic Beverage Control may request operation and maintenance funding from sales revenues.

Amended by Chapter 150, 2009 General Session

63B-17-202. Revenue bond authorizations -- Board of Regents.

(1) The Legislature intends that:

(a) the Board of Regents, on behalf of the University of Utah, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of the University of Utah to borrow money on the credit, revenues, and reserves of the university, other than appropriations of the Legislature, to finance the cost of constructing a northwest campus parking structure;

(b) the University of Utah use parking fees and donations as the primary revenue source for repayment of any obligation created under authority of this section;

(c) the maximum amount of revenue bonds or other evidences of indebtedness authorized by this section is \$21,280,000, together with other amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements;

(d) the university may plan, design, and construct the northwest campus parking structure subject to the requirements of Section 63A-5-206; and

(e) the university may not request state funds for operation and maintenance costs or capital improvements.

(2) The Legislature intends that:

(a) the Board of Regents, on behalf of Utah State University, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of Utah State University to borrow money on the credit, revenues, and reserves of the university, other than appropriations of the Legislature, to finance the cost of constructing an early childhood education research center;

(b) Utah State University use institutional funds as the primary revenue source for repayment of any obligation created under authority of this section;

(c) the maximum amount of revenue bonds or other evidences of indebtedness authorized by this section is \$15,828,000, together with other amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements;

(d) the university may plan, design, and construct the early childhood education research center subject to the requirements of Section 63A-5-206; and

(e) the university may request state funds for operation and maintenance costs and capital improvements to the extent that the university is able to demonstrate to the Board of Regents that the facility meets approved academic and training purposes under Board of Regents policy R710.

(3) It is the intent of the Legislature that:

(a) the Board of Regents, on behalf of Southern Utah University, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of Southern Utah University to borrow money on the credit, revenues, and reserves of the university, other than appropriations of the Legislature, to finance the cost of constructing a Shakespearean theater;

(b) Southern Utah University institutional funds be used as the primary revenue source for repayment of any obligation created under authority of this section;

(c) the bonds or other evidences of indebtedness authorized by this section may provide up to \$5,000,000, together with other amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements;

(d) the university may plan, design, and construct the theater subject to the requirements of Section 63A-5-206; and

(e) the university may request state funds for operation and maintenance costs and capital improvements to the extent that the university is able to demonstrate to the Board of Regents that the facility meets approved academic and training purposes under Board of Regents policy R710.

Enacted by Chapter 128, 2008 General Session

63B-17-301. Authorizations to construct capital facilities using institutional or agency funds.

(1) The Legislature intends that:

(a) the University of Utah may, subject to requirements in Section 63A-5-206, use clinical fees and donations to plan, design, and construct a neuropsychiatric institute expansion;

(b) no state funds be used for any portion of this project; and

(c) the university may not request state funds for operation and maintenance costs or capital improvements.

(2) The Legislature intends that:

(a) the University of Utah may, subject to the requirements of Section 63A-5-206, use donations to plan, design, and construct an arboretum visitor center addition;

(b) no state funds be used for any portion of this project; and

(c) the university may request state funds for operation and maintenance costs and capital improvements to the extent that the university is able to demonstrate to the Board of Regents that the facility meets approved academic and training purposes under Board of Regents policy R710.

(3) The Legislature intends that:

(a) Utah State University may, subject to the requirements of Section 63A-5-206, use donations to plan, design, and construct a business building addition;

(b) no state funds be used for any portion of this project; and

(c) the university may request state funds for operation and maintenance costs and capital improvements to the extent that the university is able to demonstrate to the Board of Regents that the facility meets approved academic and training purposes under Board of Regents policy R710.

(4) The Legislature intends that:

(a) Utah State University may, subject to the requirements of Section 63A-5-206, use donations to plan, design, and construct a Vernal entrepreneurship and energy research center;

(b) no state funds be used for any portion of this project; and

(c) the university may request state funds for operation and maintenance costs

and capital improvements to the extent that the university is able to demonstrate to the Board of Regents that the facility meets approved academic and training purposes under Board of Regents policy R710.

(5) The Legislature intends that:

(a) Utah State University may, subject to the requirements of Section 63A-5-206, use research grants and other institutional funds to plan, design, and construct a hydraulics laboratory addition to the water laboratory;

(b) no state funds be used for any portion of this project; and

(c) the university may not request state funds for operation and maintenance costs or capital improvements.

(6) The Legislature intends that:

(a) Utah State University may, subject to the requirements of Section 63A-5-206, use insurance claim funds and other institutional funds to plan, design, and construct a structures laboratory enclosure;

(b) no state funds be used for any portion of this project; and

(c) the university may not request state funds for operation and maintenance costs or capital improvements.

(7) The Legislature intends that:

(a) Utah Valley University may, subject to the requirements of Section 63A-5-206, use donations to plan, design, and construct a children's theater;

(b) no state funds be used for any portion of this project; and

(c) the university may request state funds for operation and maintenance costs and capital improvements to the extent that the university is able to demonstrate to the Board of Regents that the facility meets approved academic and training purposes under Board of Regents policy R710.

(8) The Legislature intends that:

(a) Southern Utah University may, subject to the requirements of Section 63A-5-206, use donations to plan and design a science center addition;

(b) this authorization and the existence of plans and designs do not guarantee nor improve the chances for legislative approval of the remainder of the building in any subsequent year; and

(c) no state funds be used for any portion of this planning and design.

Enacted by Chapter 128, 2008 General Session

63B-17-302. Capital facility accounting authorizations.

The Legislature intends that Utah State University transfer \$225,000 from its Capital Contingency Reserve Fund for State Funded Projects into its Capital Project Reserve Fund.

Enacted by Chapter 128, 2008 General Session

63B-17-401. Authorizations to acquire or exchange property.

The Legislature intends that:

(1) the Division of Facilities Construction and Management, acting on behalf of the Department of Natural Resources, may enter into a lease purchase agreement with

Uintah County to provide needed space for agency programs in the area;

(2) the agreement shall involve a trade at fair market value between the Division of Facilities Construction and Management and Uintah County of the following two properties:

(a) that portion of the current Uintah County complex that is owned by the state, located at 147 East Main Street, Vernal, Utah, which currently houses the Department of Natural Resources and other state agencies; and

(b) a parcel of land owned by Uintah County, located at approximately 318 North Vernal Avenue, Vernal, Utah, which would become the location of the needed space under the lease purchase agreement;

(3) before entering into an agreement with Uintah County, the Division of Facilities Construction and Management shall ensure that all other state agencies in the Uintah County complex stay in their current location or receive adequate replacement space, with the terms of any replacement space acceptable to each state agency;

(4) before entering into an agreement with Uintah County, the Department of Natural Resources shall obtain the approval of the State Building Board;

(5) the State Building Board may approve the agreement only if the Department of Natural Resources demonstrates that the lease purchase will be a benefit to the state; and

(6) before entering into an agreement with Uintah County, and after obtaining the approval of the State Building Board, the Department of Natural Resources shall report the terms of the agreement to the legislative Executive Appropriations Committee.

Enacted by Chapter 128, 2008 General Session